

FILED IN MY OFFICE
DISTRICT COURT CLERK

SUMMONS		2020 FEB 19 PM 4:31
Thirteenth Judicial District Court Sandoval County, New Mexico Court Address: 1500 Idalia Road, Bldg. A P.O. Box 600 Bernalillo, NM 87004 Court Telephone: (505) 867-2376	Audrey Garcia By _____ Deputy Case Number: D1329 CV-2020-376 Judge: Division V	
Plaintiff(s)/Petitioner(s): Paul Mueller v. Defendant(s)/Respondent(s): City of Rio Rancho	Defendant/Respondent Name: City of Rio Rancho Address: 3200 Civic Center Circle Rio Rancho, NM 87144	

TO THE ABOVE NAMED DEFENDANT(S)/RESPONDENT(S): Take notice that: **4th floor**

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Bernalillo, New Mexico, this 13th day of February, 2020.

Audrey C. Garcia, Court Manager 2

By: Christine A. Zusterhoff
Judicial Specialist

(COURT SEAL)

Signature of Plaintiff/Petitioner or Attorney

Name: **Paul Mueller**

Address: **1752 hce loop, Rio Rancho**

Telephone: **505-730-0447**

Fax:

Email Address: **undocumentedgringo@hotmail.com**

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULE OF CIVIL PROCEDURE FOR DISTRICT COURTS.

13 FEB '20 PM 3:11

RETURN

STATE OF NEW MEXICO)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Sandoval county on the 11 day of February, 2020, by delivering a copy of this summons, with a copy of complaint attached, in the following manner: **(check one box and fill in appropriate blanks)**

☐ to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at _____ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at _____ (insert defendant's last known mailing address).

☒ to Rebecca Martinez (City Clerk), an agent authorized to receive service of process for defendant City of Rio Rancho

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

☐ to _____ (name of person), _____ (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

J. Piller 211
Signature of person making service

Fees: _____

Deputy SCSO
Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____

Judge, notary or other officer authorized to administer oaths

Official title

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT COURT

2020 FEB 13 PM 2 07

PAUL MUELLER
Plaintiff,

v.

CITY OF RIO RANCHO
Defendant.

Case No.

D1329 CV-2020-

Judge, Division 376
✓

**PETITION FOR AN INJUNCTION AGAINST THE
CITY OF RIO RANCHO**

COMES NOW, Paul Mueller, Pro Se, under NMRA Rule 1-066, for an injunction against the City of Rio Rancho to cease and desist from spraying Glyphosate, weed killer, on the back of my property and the easement behind my property that extends to the 10th St.

JURISDICTION AND VENUE

1. The Plaintiff resides at 1752 Lee Loop in Rio Rancho and Sandoval County.
2. The City of Rio Rancho is in Sandoval County.
3. The issue arises out of spraying herbicide on and by Plaintiff's property in Rio Rancho.
4. Jurisdiction and Venue are proper.

STATEMENT OF THE FACTS

13 FEB '20 PM 3:11

6. Paragraphs 1-4 are fully set forth here-in.
7. On November 14th, 2011, the Plaintiff was stabbed 24 times in a carjacking.
8. Since that time, Plaintiff developed the disability of PTSD that is recognized by the Social Security Administration as well as other government agencies under the Americans with Disabilities Act.

9. Under this act, a person with a disability can make a reasonable request to a government agency, in this case the City of Rio Rancho, to accommodate a change from the City's actions that has a debilitating effect on the Plaintiff (spraying Glyphosate on my property), and it is the burden of the City to show the action requested is a fundamental alteration of the City's ability to function and is an essential part of Rio Rancho that can't be stopped and therefore deny the request.

10. Plaintiff made a request to the City and the Mayor to stop spraying Glyphosate, weed killer, on the back of Plaintiff's property and on the border easement that allows for him to exit his property to the street, and he made this request sometime around 2014 or after.

11. Plaintiff has used this easement since buying the property in 2000, and to not be able to use this easement would take away from the quality of life he has come to know.

12. The Plaintiff has used this easement to walk his dog daily, and to load and unload things from his house.

13. This request to stop spraying Glyphosate was made years ago, and for a time it was followed, but once in 2018, and once in 2019, the City sprayed Glyphosate on everyone's easement and on the back of their property all along 10th St, and this included Plaintiff's house.

14. Plaintiff suffered panic attacks from fear the poison could give him cancer, and he avoided the easement until after a good rainstorm.

15. The Plaintiff complained to the city dozens of times, but not one answer from any city official was given to Plaintiff.

16. Plaintiff tried to forget about the poison and removed some of the poisoned soil to give the Plaintiff a pathway to leave his house.

17. After a snowstorm in January 2020, that left snow and ice on the ground for days and weeks in some areas, yellow material began to leech up to the surface and covered the ground in many areas surrounding North Hills, which included the back of my property, and miles of sidewalk.

18. This was the Glyphosate the City had sprayed and there was no way to avoid it on my pathway or the sidewalk where I walked my dog, and it obviously contaminated my property when the wind would blow the soil and contaminants on my property, or so my mind believed.

19. After being inundated with commercial after commercial that claims Glyphosate causes cancer, I began to suffer panic attacks and distress about walking through my neighborhood, and most importantly, the back of my house.

20. I have expressed my concerns to the City, and once again made the reasonable request to not spray Glyphosate on the back of my property and easement, and handed this to the Mayor on February 3rd.

21. The City has again avoided me completely, and has avoided the request to stop spraying Glyphosate on my property.

22. Due to the quality of my life being altered by the panic attacks and feeling that I will develop cancer, caused solely by the City's need to spray Glyphosate all over North Hills, and the easement behind my property, I must request the court order the city to cease and desist spraying Glyphosate on and near my property.

23. It is my right, under the American's with Disabilities Act, to make a request when the City's actions cause my condition of PTSD to be exacerbated, and it is the City's burden of proof to show why it cannot comply with this request.

24. The City has treated me in a hostile manner and has made my life less fruitful under this hostility, and for me to have peace of mind, it must stop.

25. The request made is valid, as any city with common sense would not actively pursue a campaign of hostility against its neighbor, that is unless the hostility was created to entice the homeowner to move or suffer pain from the City's egregious act of spraying Glyphosate.

WHEREFORE, Plaintiff request the court order the following relief:

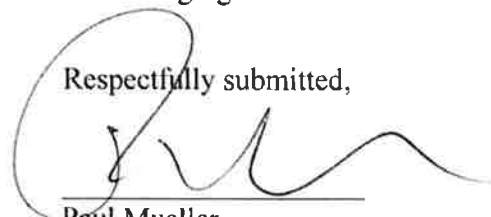
A. That the city of Rio Rancho ceases and desists all spraying of Glyphosate on the easement behind Plaintiff's house and all along the 10th St.

B. That the City of Rio Rancho ceases and desists all spraying of Glyphosate on the sidewalks of North Hills and surrounding community.

C. That the City pays for the easement to be tested for Glyphosate, and if found contaminated, that the City remove and replace the contaminated soil.

D. That Rio Rancho pay any cost associated with bringing this action to court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Mueller', is written over a horizontal line.

Paul Mueller
1752 Lee Loop NE
Rio Rancho, NM 87144
(505)730-0447
undocumentedgringo@hotmail.com

Laura Ferrell, Ph.D.
Clinical Psychologist
4686 Corrales Rd., P.O. Box 2031, Corrales, NM 87048
(505) 890-0444

July 2, 2013

To Whom It May Concern:

This document is to confirm that Paul C. Mueller (DOB: 02-02-1971) was seen for psychotherapy in my office from April, 2012 until June, 2012 and again recently beginning in June 2013 until the present time. His primary diagnosis, and the focus of his treatment, is Post Traumatic Stress Disorder (PTSD). He reports severe intrusive recollections and re-experiencing of traumatic events surrounding a 2011 crime in which he was car-jacked and stabbed repeatedly, then reportedly mistaken for a part of the crime and re-victimized by police and rescue workers.



Laura Ferrell, Ph.D.
Clinical Psychologist
New Mexico License #704

I have the same doctor today,
and I'm still disabled from PTSD,
and I am covered under the ADA.

Exhibit A

RECEIVED

FEB 03 2020

RIO RANCHO CITY
ATTORNEY'S OFFICE

Dear Mayor,

Torts Claim Notice

Reasonable Request, Under ADA

For years I asked you not to spray Roundup on the back of my property. I wrote a letter to you stating that it would affect my PTSD, in 2014, and this spraying caused me to believe I would catch cancer from the poison. Now, it has been officially determined that Roundup, or any product using glyphosate, causes cancer and the city has sprayed it twice to the back of my house in the last 2 years. I must make a request that you stop using this product around my house or anywhere near it.

I have PTSD, and under the Americans with Disabilities Act, I can make a reasonable request for the City to stop doing something that disrupts my peace of mind, and thinking you are getting cancer disrupts all peace in my life. If you spray Roundup on the back of my property one more time, I feel I must sue for the intentional infliction of emotional distress, and I will win.

This isn't my first rodeo with people abusing me. If I cannot ask, and get the respect for you to stop, then I must officially notify you so I can then sue you for the abuse. You have said that you don't like me, and that you don't care what I think. If you still feel this way, and cannot compromise with my wishes, I must sue you personally for discrimination since it is a personal attack. If you do not believe me, then come look at all the contamination from Roundup easily visible by the human eye.

Please do not spray Roundup on the back of my property or near it, or I will be forced to sue for Intentional Infliction of Emotional Distress. Thanks for respecting me.



**Paul Mueller
1752 Lee Loop
Rio Rancho, NM 87144
505-730-0447**

Exhibit B

STATE OF NEW MEXICO
COUNTY OF Sandoval
13TH JUDICIAL DISTRICT COURT

FILED IN MY OFFICE
DISTRICT COURT CLERK

2020 FEB 13 PM 2:04

Paul Murky
Plaintiff(s)/Petitioner(s),

By _____ Deputy CR

Vs.

No. D1329 CV-2020-376

City of Rio Rancho
Defendant(s)/Respondent(s).

APPLICATION FOR FREE PROCESS AND AFFIDAVIT OF INDIGENCY

I request that the court enter an order permitting me to file this case without prepayment of fees and costs and give upon my oath or affirmation the following statement.

My marital status is: single ☒ married ___ divorced ___ separated ___ widowed ___

I request interpretation services: yes ___ no ☒ If yes, describe what you need:

INFORMATION ABOUT MY FINANCES (check all that apply to you and fill in the blanks):

A. PUBLIC ASSISTANCE

I do not receive public assistance (if you check this blank, go directly to Section B, EMPLOYMENT/UNEMPLOYMENT)

☒ I currently receive the following public assistance in Sandoval County:

___ Temporary Assistance for Need Families (TANF)

___ Food Stamps

☒ Medicaid

___ General Assistance (GA)

___ Supplemental Security Income (SSI)

___ Social Security Disability Income (SSDI)

___ Public Housing

___ Disability Security Income (DSI)

___ Department of Health Case Management Services (DHMS)

___ Other (please describe _____)

B. EMPLOYMENT/UNEMPLOYMENT

☒ I am currently unemployed and have been unemployed for 10 months in the past year. I am unemployed because _____

___ I receive unemployment benefits in the amount of \$ _____ per month.

☐ I have no income because I am unemployed.

☐ I am employed.

My employer's name, address and phone number is:

I am paid: weekly _____ every other week _____ twice a month _____ once a month _____. When I am paid my net take-home pay minus deductions required by law like state and federal tax withholding and FICA is \$ _____.

☐ I am married, and my spouse is unemployed and has been unemployed for _____ months in the past year because _____.

My spouse receives unemployment benefits in the amount of \$ _____ per month.

☐ I am married, and my spouse is employed.

My spouse's employer's name, address and phone number is:

My spouse is paid: weekly _____ every other week _____ twice a month _____ once a month _____. When my spouse is paid his or her net take-home pay minus deductions required by law like state and federal tax withholding and FICA is \$ _____.

C. OTHER SOURCES OF INCOME

☒ I have income from another source not mentioned above.

_____ Child Support \$ _____

_____ Alimony \$ _____

_____ Investments \$ _____

_____ Community property from my spouse \$ _____

☒ Other side work \$ 1100 in January 700 in February

☐ I do not have any other sources of income.

☐ I am married, and my spouse has income from another source not mentioned above.

_____ Child Support \$ _____

_____ Alimony \$ _____

_____ Investments \$ _____

_____ Community property from my spouse \$ _____

_____ Other _____ \$ _____

☐ I am married, and my spouse does not have any other sources of income.

D. OTHER ASSETS (Please list other assets owned by you or your spouse that can be turned into cash. Do not include money you have in retirement accounts):

Cash on hand \$ 150

Bank accounts \$ 150

Income tax refund \$ 1200
 Other assets (describe below) \$ _____

IF YOU DO NOT HAVE ACCESS TO YOUR OWN OR YOUR SPOUSE'S
 INCOME OR ASSETS, EXPLAIN WHY.

E. MONTHLY EXPENSES

House payment/rent	\$ <u>475</u>
Utilities	\$ <u>200</u>
Telephone	\$ <u>75</u>
Groceries (after food stamps)	\$ <u>200</u>
Car payment(s)	\$ <u>0</u>
Gasoline	\$ <u>150</u>
Insurance	\$ <u>90</u>
Child care	\$ <u>0</u>
Student and Consumer Loans	\$ <u>0</u>
Court-ordered family support	\$ <u>0</u>
Obligations	
Other court-ordered payments	\$ <u>0</u>
Medical expenses	\$ <u>0</u>
Other _____	\$ <u>0</u>

F. HOUSEHOLD

I live at 1752 Lee Loop

And the head of the household is myself

Other than myself, the other members of the household are:

<u>Name</u>	<u>Age</u>	<u>Employment</u>	<u>I support</u>
_____			[]
_____			[]
_____			[]
_____			[]
_____			[]
_____			[]

This statement is made under oath. I hereby state that the above information regarding my financial condition is correct to the best of my knowledge. I hereby authorize the Court to obtain information from financial institutions, employers, relatives, the federal internal revenue service and other state agencies. If at any time the Court discovers that the information in this application for free process was false, misleading, inaccurate, or incomplete at the time the application was submitted, the Court may require me to pay for any costs or fees that were waived under an order of free process that was granted based on the information in this application.

Paul Mueller
signature

☒ Petitioner/Plaintiff
☐ Respondent/Defendant

Paul Mueller
print name

1752 Lee Loop
print street address

Rio Rancho, NM 87144
print city, state and zip code

505-730-0447
telephone

STATE OF NEW MEXICO)
COUNTY OF Sandoval) ss

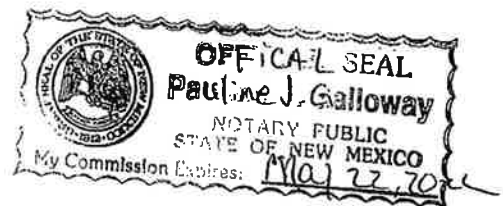
Acknowledged, subscribed and sworn to before me this 1st day of February, 2020 by Paul Christopher Mueller

Notary public:

Pauline Galloway

My commission expires:

May 22, 2022



**IF YOU ARE REPRESENTED BY AN ATTORNEY, YOUR ATTORNEY MUST
SIGN THE FOLLOWING CERTIFICATE.**

I, _____, hereby certify that I have not
received any attorney fee to represent _____. If any
attorney fee is paid to me, I understand that I shall pay to the court clerk
from such attorney fee any court fees and costs that may be waived by the
court.

(Attorney signature)

(address)

(city, state, zip)

(telephone/fax number)

12/15/08

STATE OF NEW MEXICO
COUNTY OF SANDOVAL
13TH JUDICIAL DISTRICT COURT

FILED IN MY OFFICE
DISTRICT COURT CLERK

2020 FEB 13 PM 2:05

Audrey Garcia

By _____ Deputy CK

Paul Mueller

Plaintiff(s)/Petitioner(s),

Vs.

No. D1329 CV-2020-376

City of Rio Rancho

Defendant(s)/Respondent(s).

ORDER ON APPLICATION FOR FREE PROCESS

THIS MATTER, having come before the court on Plaintiff's/Petitioner's application for free process and affidavit of indigency, or upon Petitioner's attorney's certificate supporting indigency and free process pursuant to Rule 23-114(B)(2) NMRA, and the court being otherwise fully advised in the premises, FINDS that:

☐ the applicant is entitled to free process in accordance with Rule 23-114(B)(2) NMRA.

☒ the applicant receives public assistance and is, therefore, entitled to free process.

☐ the applicant's annual income does not exceed one hundred and fifty percent (150%) of the federal poverty guidelines, and the applicant is, therefore, entitled to free process.

☐ on the basis of the applicant's available funds or annual income, the applicant is not entitled to free process.

THE COURT ORDERS that:

☐ the filing fee is waived.

☒ the filing fee is waived except for the \$ 20.00 alternative dispute resolution fee (ADR) fee.

☒ the applicant is granted free service of process by the Sheriff in Sandoval County, New Mexico for 2 3 4 5 or _____ summons(es), provided that the applicant first attempts service by certified mail pursuant to Rule 1-004 NMRA.

☐ the applicant is granted free service by the Sheriff in _____ County, New Mexico, of a temporary restraining order or _____

☐ the applicant is to pay the filing fee on _____, 2 _____.

☐ free process is denied.

[.] Other:

Unless specifically granted above, this order of free process does not include the following costs: jury fees, certification fees, subpoena fees for witnesses, witness fees for hearings or trials, mailings, long distance charges, transcripts for appeals or record proper, duplication fees for audiotapes or compact discs, copy charges, publication fees or facsimile services. Application for all other costs are to be made to the judge assigned to your case. If the applicant prevails in this lawsuit and collects money by judgment or settlement, the court is to be reimbursed for any waived costs. *This order is subject to revision, modification or rescission by the judge assigned to your case.*


DISTRICT COURT JUDGE

12/15/08